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**INTERNATIONAL UNION FOR THE PROTECTION OF NEW VARIETIES OF PLANTS**  
GENEVA

**ADMINISTRATIVE AND LEGAL COMMITTEE**

**Forty-Third Session**  
**Geneva, April 5, 2001**

**TERMS OF REFERENCE OF *AD HOC* SUBGROUP OF TECHNICAL AND LEGAL  
EXPERTS ON BIOCHEMICAL AND MOLECULAR TECHNIQUES**

*Document prepared by the Office of the Union*

1. At its forty-second session, the Administrative and Legal Committee (hereinafter referred to as “the Committee”) requested that the Office of the Union propose terms of reference for an *ad hoc* subgroup of technical and legal experts established to consider matters arising from the Working Group on Biochemical and Molecular Techniques, and DNA-Profiling in Particular (BMT) (see paragraph 49 of document CAJ/42/7).
2. The Office proposes that the following terms of reference be considered by the Committee:
  - (a) The subgroup should assess possible application models proposed by the Technical Committee, on the basis of the work of the BMT and crop subgroups, for the utilization of biochemical and molecular techniques in the examination of Distinctness, Uniformity and Stability in relation to the following:
    - (i) conformity with the UPOV Convention and
    - (ii) potential impact on the strength of protection compared to that provided by current examination methods and advise if this could undermine the effectiveness of protection offered under the UPOV system.

(b) In conducting its assessment the subgroup may refer specific aspects to the Committee or the Technical Committee for clarification or further information as considered appropriate.

(c) The subgroup will report its assessment, as set out in paragraph (a) above, to the Committee, but this assessment will not be binding for the position of the Committee.

3. This document will shortly be updated with a report, by the Office of the Union, of the first meetings of the *ad hoc* crop subgroups. This will outline the initial discussions, prior to consideration by the BMT and Technical Committee, on possible application models for the utilization of biochemical and molecular techniques in the examination of Distinctness, Uniformity and Stability.

*4. The Committee is invited to consider the suitability of the terms of reference proposed by the Office of the Union.*

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